

**Notice of Allowability**

Application No.

09/746,641

Examiner

David J Parsley

Applicant(s)

SCHROEDL, JON R.

Art Unit

3643

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment dated 8-5-04.
2. ☒ The allowed claim(s) is/are 1-3.
3. ☒ The drawings filed on 16 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>2-15-01 and 8-5-04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material   | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Dean Craine on 11-3-04.

The application has been amended as follows: in claim 1 on page 3 line 3 of applicant's amendment dated 8-5-04, delete "may be".

In claim 1 on page 3 line 4 of applicant's amendment dated 8-5-04, delete "may be".

In claim 3 on page 3 line 23 of applicant's amendment dated 8-5-04, replace "the" with -a surface of- -.

In claim 3 on page 4 line 2 of applicant's amendment dated 8-5-04, delete "opposite said".

In claim 3 on page 4 line 2 of applicant's amendment dated 8-5-04, insert after "jaw", - - opposite said one clamping jaw to- -.

In claim 3 on page 4 lines 2-3 of applicant's amendment dated 8-5-04, replace "clamp member" with - -clamping jaws from clamping together- -.

In claim 3 on page 4 line 5 of applicant's amendment dated 8-5-04, replace "handle" with - -handles- -.

Art Unit: 3643

In claim 3 on page 4 line 9 of applicant's amendment dated 8-5-04 replace "activated" with - -activate- -.

***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance: the limitations, "a pair of handles longitudinally aligned and extending from said upper arc members...", "...a limiting means for said trigger rod to prevent excessive upward rotation of the trigger rod when said clamping jaws converge..." and "...a foot bar enabling said jaws to be manually separated by the user's foot pressed downward onto said mole trap, said foot bar including an elongated bar with an arc-engaging surface at one end, so that when said mole trap is aligned longitudinally on a support surface, said arc-engaging surface may be placed against said upper arc portion on one said u-shaped member and the user's foot may be placed on said elongated bar to force said clamping jaws apart into a set position..." in claim 1 are not found in combination in the prior art of record. The limitations, "...a limiting means for said trigger rod to prevent excessive upward rotation of said trigger rod when said clamping jaws converge, said mole trap also including two longitudinally aligned handles attached to said upper arc sections on said u-shaped members...", "...selecting a foot bar used to pry said claws on said trap apart to activate said mole trap..." and "...grasping said handles to move said mole trap..." in claim 3 are not found in combination in the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 3643

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J Parsley whose telephone number is (703) 306-0552. The examiner can normally be reached on 9hr compressed.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Parsley  
Patent Examiner  
Art Unit 3643



**PETER M. POON**  
**SUPERVISORY PATENT EXAMINER**

11/5/04